

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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NECTALIER GONZALEZ, III, et al.,	:	
	:	Civ. Action No.: 18-11405-BRM-DEA
Plaintiffs,	:	
	:	
v.	:	
	:	<b>ORDER</b>
WELLS FARGO HOME MORTGAGE,	:	
a division of Wells Fargo Bank, N.A.,	:	
	:	
Defendants.	:	
	:	

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**THIS MATTER** is opened to the Court by defendant Wells Fargo Home Mortgage's ("Wells Fargo") Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (ECF No. 4.) The Motion was returnable on November 5, 2018, with Plaintiffs' opposition being due October 22, 2018. To date, Plaintiffs have not opposed the Motion.

Accordingly, the Court construes Plaintiffs' failure to oppose the motion as an "indicat[ion] that the motion is in fact not opposed." *Stackhouse v. Mazurkiewicz*, 951 F.2d 29, 30 (3d Cir. 1992). Plaintiffs are represented by counsel and have failed to oppose the Motion. *See id.* Accordingly, the Court having reviewed Wells Fargo's Motion and the submissions on the docket, and having declined to hold oral argument pursuant to Federal Rule of Civil Procedure 78(b), and for good cause appearing,

**IT IS** on this 15th day of November 2018,

**ORDERED** that Wells Fargo's Motion to Dismiss (ECF No. 4) is **GRANTED** and Plaintiffs' Complaint is **DISMISSED WITHOUT PREJUDICE**; and it is further  
**ORDERED** that the matter shall be marked **CLOSED**; and it is finally  
**ORDERED** that, absent a motion seeking the appropriate relief and further order from the

Court, the dismissal will be automatically converted to a final order with prejudice in fourteen (14) days.

*/s/ Brian R. Martinotti*  
**HON. BRIAN R. MARTINOTTI**  
**UNITED STATES DISTRICT JUDGE**